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THEY STILL HOLD THE FORT.

"IF YOU SEE IT IN

The Sun

REPUBLICANS SPEND NIGHT AND DAY IN THE KANSAS HOUSE.

The Governor Orders Col. Hughes to Clear the Hall of Representatives-The Commander of the Militia Declines the Job and Is Relieved From Duty-Populists Resume Lawmaking in Hired Rooms-Holsting Food to the Belenguered Republicans-A Truce While Negotiations Are in Progress for Terms of Peace-Only the Courts Can Settle the Dispute.

Topeka, Feb. 16.-The Republican members entinged their occupancy of Representative Hall last night, supported by a large force of assistant sergeauts-at-arms. Roll calls were had each half hour, and none of the members was permitted to leave except by permission of Speaker Douglass, and then only on urgent business. As a means of protection a large quantity of desks, chairs, and other furniture was piled near the doors and in the lobbies. forming a barricade behind which the Republicans felt that they could make successful re-sistance against any ordinary force that might be sent to disperse them. The assistant sergeants and many members were armed, but instructions were given that there should be no shooting except in a case of extreme emerney, and the sergeants were told to use clubs

and chairs in preference to revolvers.

Night passed without a conflict. The troops surrounded the State House, and no one was permitted to enter without a pass from the Governor or his Adjutant-General. Gov. Lewelling issued a second proclamation as

EXECUTIVE ORDER NO. 2. "Whereas, I have been informed, as Chief Executive of the State, that the Hall of Representatives has been forcibly invaded by an rmed insurrectionary body of men who have such hall, whereby the constitutional rights of the members of such House have been subverted, and the public business of legislation

prevented: "Therefore, it is ordered that all persons except such members of the House of Representatives and employees thereof as are recognized as such by the Hon. J. M. Dunsmore. Speaker of such House, to be such memhers and employees, at once vacate such hall and the approaches thereto, under penalty of foreible expulsion for their non-compliance with this order

Witness my hand and the great seal of the State at Topeka, this 15th day of February, 1893. L. D. Lewelling, Governor." To give effect to his proclamation, the Governor also addressed a formal request to the

commanding officer of the State militia as EXECUTIVE ORDER NO. 3.

" Col. Hughes communiting.

"Sm: You will first proceed to clear the corridors of all persons except troops. You will then station a small detachment in the main corridors of the east and west wings of Capitol, after which you will proceed quietly with the remainder of your forces to Representative Hall and eject all persons not epecified in Executive Order No. 2, a copy of hich I hand you herewith. Having removed from the hall such persons designated, you will station a detachment in and about Representative Hall and such other detachments as may be necessary to occupy the entrance to the Capitol. In no case shall any person accompany the troops to Representative Hall.
"L. D. LEWELLING, Governor.

"H. H. ANTZ, Adjutant-General." Soon after receiving the above order Col. Hughes presented himself before the Republican House, and upon being introduced by the Speaker he made an address, pledging fealty to what he considered the legal House of Representatives. He said:

"I was ordered by Gov. Lewelling to take command of the militis called out here today. I did so at once. When I asked him for orders he told me that I must surround the State House with my men, protect the property of the State, and remove from Representative Hall all men who are not recognized by Mr. Dunsmore and himself as members of the to look for some other officer. [Prolonged

"I am still in command, and I am going to stay there until I am relieved. I may be relieved, but I can say to you that you need have no fear to-night. No one will attempt to mo lest you. If I am relieved, my regiment will

Three cheers were given for Col. Hughes, and the members crowded around him. expressing a desire to grasp the hand of a man who had the courage to do what he thought was right regardless of the orders of his su-

Sheriff Wilkerson of this county also took official notice of the threatened outbreak last night, and swore in a hundred deputy sheriffs to assist in preserving order. He also addressed a letter to the Governor, as follows: " In lit Errellmen L. D. Levelling, Governor :

SIR: I. as Sheriff of Shawnee county, am charged with the duty of preserving the peace within the territorial limits of this county. I am advised that you have called upon the military power of the State to preserve peace in this county. I wish to inform you that this action on your part is without my consent or concurrence, and is wholly unnecessary, as I have at no time intimated to you that I am unable to preserve the peace within this county. I now wish to inform you that I am fully able and prepared to enforce the laws and preserve peace and order, and it is my intention so to do. Very respectfully.
"J. M. WILKERSON.

"Sheriff of Shawnes county, Kan."

This morning the State House grounds were cleared of all intruders and the military patrol was increased. The State officers and members of the Legislature were provided with passes, but the citizens of Topeka and visitors from other cities were held back, but were allowed to congregate on the streets in front of the square. Jackson street, from Eighth street to Tenth, fronting on the square, was filled with people by 2 o'clock, and a large

filled with people by 2 o'clock, and a large crowd also assembled on Kanasa avenue, one block from the Capitol. The militia force in Capitol square and around the State arsenal consisted of the following detachments:

Geomorp C of Garland with forty men, in command of any, Frank Statier; Company B of Holomo, thirty men, in command of Capt, J. S Jacobs; Company G of Marion, the city men, in command of Capt, Lawis; Eattery A of Wichita, twenty-four men, in command of said willis Metcalf, Baitery B of Topeka, twenty men, in command of Capt, Lawis; Martery A of Wichita, twenty-four men, in command of capt, will be a command of capt, the capital ca

command of the Willis Meteralf, Battery B of Topska, twenty men, in command of heat Thurston.

In addition to the regular militia, three companies have been created by volunteer service, to compose what is designated as the Provisional liattalion, consisting of 100 mep. Other volunteer organizations have been enlisted for the service of the Governor, and it is rumored that an appeal has been made to the Farmers' Alliances throughout the State to send additional volunteers. The Governor relies principally upon his volunteer force, as the members of the militia are distrusted by reason of their sympathy with the Republican branch of the Lexisliture.

Gov. Lewelling dismissed Col. Hughes from the service this morning, delivering the order verbally. Col. Hughes continued to act as commandant, and insisted that he would remain at his post until he had received a formal order to vacate. The Governor then took him to the Adjutant-General's office, where a written order was prepared, and the Colonel was relieved from further duty. The troops were then placed in charge of lieut. Col. George Barker of Holton as commanding officer. In explanation of his course Col. Jinghes said:

"I want it distinctly understood that I am not in mutiny against the Governor or the Commander-in-Chief, but I simply would not be a tool of an esecting force of the character implied in the Governor's order and I frankly joid him so and sovised him to secure another officer. If he had instructed moto burn the

Santa Fé building, opposite the Capitel, I would have done so just as quickly as I would obey the order to clear Representative Hall of members legally elected to the Legislature. I told the Governor that, as the Colonel of the National Guard and a peace officer of the county. I considered it my duty to preserve the peace and not bring on bloodshed with an attacking force.

"Lieut.-Col. Barker is a conservative officer, and I believe he willido his duty. If he should be relieved, Capt. Frank Shatter of Company C would be next in command, but it is doubtful if he would necept that duty."

The Fornilst majority in the Senate adopted the following:

Whereas, An attempt was made to unlawfully and and
HArros. A Republican meb has unlawfully broker
open the doors to the hall of the flours of Representa
tives; be it.

ives; be it.

Mowirel, That the Senate declars its purpose to stand

with legally dected House, presided over by Speaker

imanore, and to support the Governor in his effort to

preserve law and order,

by the legally elected House presided over by Speaker Jennamore, and to support the Governor in his effort to preserve has and order.

The Popullat House being barred from working in Representative Hail, held a session in one of the corridors of the State House, and subsequently decided to establish an independent House of Representatives in a room in the Stormont building on Sixth street. The Populists were permitted to go to their deaks and remove their papers and books to the new location, and the two Houses are now practically divorced, although the separate organization will be maintained until the present difficulties are removed or the Subreme Court has authority to determine the question of the legality of the original organization.

Sheriff Wilkerson has sworn in 1,000 deputies to assist him in maintaining order. The police force of the city has also been largely increased. The deputy sheriffs are designated with their badges, bearing the title. Deputy where it has afternoon to a hall, where it is supposed they were armed with haseball last and clubs and instructed in their duties. They were in charge of Sheriff Wilkerson, accompanied by Col. D. R. Anthony of Leavenworth and A. B. Campbell of Topeka, formerly Adjutant-General.

A feeling of apprehension and excitement has prevailed all day, and knots of men have congregated on all prominent street corners to discuss the situation. The disputants in several cases warmed to the point of denouncing each other as liars. Anarchists, and revolutionists, but the belligerants were promptly separated by the police. The erowd in front of the State House was disposed to be cool and non-combative, but there was no time of the State House was disposed to be cool and non-combative, but there was no time of the Maria and content of the maria in morning in great during the attention by the militia would not have precipitated a row.

tated a row.

Provisions were sent to the beleaguered Republicans this morning in great quantities, some by mall sacks, some in large baskets, and some by hoisting buckets. The effort to feed them was not interfered with by the

Capt. Frank Shafter is reported as saying that he occupies the same ground taken by Col. Hughes, and that he will not be a party to shooting down Republicans in order to evict them. If ordered to do so he said he would resign and his company would follow him.

Lieut. Col. Barker visited Representative Hall this afternoon, but only as a spectator.

Gov. Lewelling has exhibited telegrams from different parts of the State urging him to stand firm, and saying that reenforcements would be sent at any time and to any extent. S. S. Histo of Smith Centre offered 200 men, and R. P. Kerchival, City Marshal of Cofferently, said he would bring 1,040 men if necessary. apt. Frank Shafter is reported as saying

After this amendment there was a long dis-ussion. The motion as amended was finally adopted, and Speaker Douglass appointed on the committee Mr. Sherman, Mr. Hoch, Mr. Benfiel, Mr. Atherton, and Mr. Cubbison. Mr.

the committee Mr. Sherman, Mr. Hoch, Mr. Benfiel, Mr. Atherton, and Mr. Cubbison. Mr. Sherman is the man whose scat was contested by D. M. Howard. Sherman's majority at the polls being 444. The Populists, however, gave this seat in their House to Howard.

The injunction proceedings to prevent the State Treasurer from paying out money on the Appropriation bill passed by the Populists were resumed to-day before Judge Hazen. Judge Hazen said that an investigation would mean a long delay and the possible defeat of the object sought to be obtained. He therefore asked for an agreement that the case might be tried with affidavits and documentary evidence, and that no witnesses be called. The lawyers consented to this arrangement, reserving the right to make exceptions in the discretion of the court. The further hearing was then adjourned until to-morrow, in order that the necessary papers might be completed.

The committee appointed to consider the Governor's proposition for an amicable settlement of the House differences in the Supreme Court made a report to the House in which a number of amendments were suggested to the Governor's plan, and recommending that the Republican House agree to the following mode of procedure:

procedure: rst-To dismiss all contempt proceedings heret-First—To dismiss all contempt proceedings heretofore commenced.
Second—The life own, third Clerk of the Republican
arrest and the body presided over by J. M. Dunamore to
arrest and the body presided over by George L. Body
area of a great Reniamin C. Rich, Chief Slerk of the
Dun-more House, both of said arrests to be upon the
charge of contemp, and to be made immediate y, and
the respective parties to apply to the supreme court for
the relicac of the arrested between by writts of halvest
corpus. The cases to be presented upon the sole question of the tegality of both Houses.

Third—The diovernor to discharge and dismiss the ird—The department to discharge and dismiss the ird—The diversion a grand. out the The Shard of Shaw her county to discharge dismiss all departs sheet over by George L. Dongs to have excitative, free undisputed, and undisped possession of Representative Hall and committed.

rooms.

ixth-This agreement to remain in force until the
reme Court shall have decided the issue in contraery saventh—In order to avoid misunderstandings and seventh—In order to avoid misunderstandings and service of each of the president of the practice by the signatures of each of the president officers of both contending bodies and by the Governor.

The Republican House adopted this report not the same committee was delegated to lay

The Reputation House adopted this report in the same committee was delegated to lay before the Governor. The Governor informed the committee that he would take the latter into consideration and submit his aswer to-merrow morning. In view of the ending negotiations it is not probable that here will be any demonstrations by the military force or any change in the situation effore morning.

efore morning.

A Thirteen-year-old Girl Disappears, Mrs. Mary Kelly has hunted high and low for her thirteen-year-old daughter Annie for days, but can get no trace of her. Yesterday she called at Police Headquarters and had a general slarm sent out for her. Annie disap-peared on Monday while her mother was visit-ing a neighbor. She is tail and stout, has a light complexion, fair hair, cut short, and blue eyes. She wore a green skirt, plaid waist, brown uister, brown felt hat, trimmed with a brown feather, button shoes, and black stock-

These strictly high-class eigarettes may

ost the dealer a little more than ordinary trade brands, but they are made from higher cost tobacco than any other cigarette. 'Admiral" is not made by a trust. - Ade,

New York Central-best route to Cleveland, Delroit, Chicago, Cincinnati, St. Louis, and an points West.-

THE VESUVIUS FUSE PUZZLE.

MORE SUPERR SHOOTING, BUT GREAT-ER MYSTERY IN RESULTS.

Iwo Shots Fired with the Craft in Motion-Five Shots Made, but Only the Fuses Ex-plode-A Shot Fired at the Beach Kicks Up a Fuse and the Fuse Doesn't Explode. PORT ROYAL, S. C., Feb. 16.-The Vesuvius fired three of her largest explosive shells from the pneumatic guns to-day. Two were fired at a fixed target while the vessel was steaming at high speed. The accuracy of fire was, if anything, more wonderful than while the vessel lay motionless. The valves opened and closed smoothly, and no one on board has occasion to fear further firing from the stand-

point of safety.

But the fuse action continues uncertain, and every one concerned is utterly at a loss to account for its apparent failure to do the work for which it was designed. It seems difficult to believe that a select Board of Ordnance experis, assisted by the commanding officer of the vessel under trial, the officer who for years has had direct charge of the guns, and also assisted by the designing engineer of the system. plosive shells and from experiments conducted on shore whether the action of the fuse is trustworthy and deserving of further trials or worthless and a drag to the entire system. Yet such is the case, and in all fairness to these men, who are anxiously trying to solve the numerous and varied problems presented. it must be said that the accumulated evidence

is most perplexing.

The vessel left her dock at 7:30 o'clock, as usual, and steamed down to the range. The observers were preparing to set up their theodolites when she appeared. The Board came alongside, inspected the fuses, gave directions for the moving practice, called up the Wahneta, and gave Capt. Dodd directions as to the

position he should occupy.

While this was in progress a loud explosion startled every one not engaged in the particular work. It came from a service gun-cotton torch which had been expleded in six fathoms of water by Gunner Whitney of the Philadelphia. The Board had decided to obtain further evidence as to surface appearance when gun cotton is exploded. A cutter had towed out the little can, and Gunner Whitney set it off with the current from a machine dynama. As in the case of the gunpowder balls previously tested.
It gave no great surface disturbance, a bubbling and boiling alone resulting.

This ended, all turned their attention to the Vesuvius. The tug Wahneta had been orderwould be sent at any Ilme and to any extent. N. Hitte of Smith Contres offered 200 men. and R. P. Kerchival, Chry Marshal of Cofference.

Note Hird, Quartermaster of the Third Regiment, who is a Hepublican, was relieved from duty to-day and the Commissary Department turned over to the Adjutant-General Republican members this alternoon and aubmitted to them the following proposition:

"The Governor offers, in the interest of peace and harmony, that he will withdraw the Republicans missing from the arrest of Republicans arising from the arrest of Republicans in the republicans arising from the arrest of Republicans and employees be not disturbed by the arrest of officials or otherwise, and the foreign of the Republicans arising from the arrest of Republicans and republicans with the Advantage as they can the Republicans which they refused to accept."

The Governor the service of the Republicans which they refused to accept. The Governor the service are proposition to the House, and Representatives Foat ton and Regimentary Control of the Republicans which they refused to accept. The Governor the service are are also the House and Republicans which they refused to accept. The Governor the service of the Republicans which they refused to accept. The Governor the service of the Republicans which they refused to accept. The Governor the service of the Republicans which they refused to accept. The Governor the service of the Republicans which they refused to accept. The Governor the service of the Republicans which they r ed by Capt. Steard to take a position, as in the last firing, abreast the target, but twice as far

charge.

It was thought that perhaps not enough dry gun cotton had been used to detonate the charge of wet esten, or that the fulminate of mercury was too distant from the dry cotton to produce a detonation of the first order.

Recalling the protably perfect detonations obtained from the Vesuvius shells in Belaware Bay three years ago, when the Merriam fuse was employed. Capt. Schroeder was asked what arrangement of explosions was then made.

He said that in the three shells precared to test the Vesuvius's ability to safely detonate gun cotton the entire hend was stuffed full of dry gun cotton, and that it was in close condact with the wet Dursting charge, ensuring complete detonation if a particle went oil. The next quastion was: "Why is not the same arrangement made in the present shell?"

With a slight smile Capt. Schroeder suggested that in service shells the dry gun cotton would not be long in the loading racks without absorbing moisture and becoming useless, and that it would scarcely be prudent to carry about the shells with both explosives in contact. He added that Capt. Lapleff's first useless, and that it would scarcely be prudent to carry about the shells with both exclosives in contact. He added that Capt. liapleff's first problem consisted in preparing a dry guncotton primer that could be removed at will and separately stowed in the vessel.

In the effort to do this it now seemed as if the error had been made on the side of safety. This throws mere light on the subject. It would seem that a lew days of preliminary work by the company, and proper shells for the guns would have enabled the Vesuvius reproceed with her trials with satisfaction to all. After the second shot. Trial liboard, observers, reporters, and ail adjourned for linich. At I clock preparations were made to land a shell on the beach where it could be stamined. Capts. Sicard and Farker, Lieut, Narro, and Capt. Schroeder selected a suitable stretch of hard, snady shore on the castern side of the Beanfert liver.

and Cant. Schroeder selected a suitable stretch of hard, sandy shore on the castern side of the Beaufort liver.

Near the point that juts out into Port Royal Sound stands a weather-stained, deserted house, and there an unusually broad stretch of beach lay uncovered at low water. Having loaded the port gun, the Vesuvius steamed close into the shore, and at 3:17 o'clock, with a signal flying to give notice of the expected 1,000-yard range, she dropped the third shell at low-water mark.

at low-water mark.

The Trial Board, several boats' crews of sallers, and the reporters had safely hidden behind a huge sand heap, but could not resist the inclination to watch the shell's flight and in the sale.

lechind a huge sand heap, but could not resist the inclination to watch the shell's flight and impact.

And what a sight it was. Buzzing through the airti met cleared the ripple on the shore and dived nose first into the soft sand. Then began a series of kangaroo-like leaps and indescribable gyrations.

Throwing up a shower of sand that glistened in the sunlight, it ploughed along fifteen yards, leaned on in a straight line, turned up its bright brass hose a second, and made a smaller furrow forty yards from the first, numped up again, turning a complete somersanit some ten yards more struck its base into the harder sand, rolled over and over, and, having scattered its wind vanes all along the beach, came to rest without an indication of explosion. No sooner had it ceased its anties and become quiet than Capt. Schroeder and Capt. Haprieff put off in the Vesuvius's gig for the landing marked by the Philadelphia's boats.

Arriving they started off with the Board and the entire observius party to default the fuse from the shell and inspect it critically. To the amazement of every one who has puzzled over this complicated fuzz question it was found that no action at all had occurred. The curved springs which hold the ball plunger in place were broken and the broken piece had iammed the striking collar and prevented the explosion of the first percussion can.

Up to a late hour this new feature had re-ceived no satisfactory explanation. It is probable that the shock of discharge broke this spring. The shell itself was uninjured, save for a slight bending of the hollow base where the wind vanes had been stripped off, It was returned to the Vesuvius to-night, and will probably be fired again. What he next step will be is not yet known. The Vesuvius did not return to the station to-night, but re-mained at anchor in the lower harbor.

Young & Smylle's "Acme" Licorice Pellets.

GAVE GOOD MONEY FOR PAPER.

Twe Virginians Robbed of \$160 by New York Green Goods Men. Capt. Donohue and Detective Hahn of the

Church street police station noticed two countrymen crossing West street from the Pennsylvania ferry shortly after noon yesterday. One was tall and lanky and shabbily dressed. The other was of medium height. His clothes were much better than those of his companion. Both wore black, low-crowned bats with broad brims. The tall man carried an oilcloth crip of cheap make. It was such a one as green goods men furnish to their victims. The policeman followed the pair up Cortlandt street to Church, and there arrested them as suspicious persons.

At the station house the tall one said that he was James L. Hillman, 32 years old, a farmer living at Colburn, Va. The other described himself as Joseph L. Greer. 22 years old. He said he was a general store keeper at Roanoke. They admitted having come to New York to buy green goods. Hiliman said that he had been in correspondence with Robert Leston of 37% Desbrosses street since June, and that about two weeks ago he decided to buy some of his wares. He went to Roanoke and in-

about two weeks ago he decided to buy some of his wares. He went to Roanoke and induced Greer to accompany him here. They left Roanoke on Tuesday, taking a train on the Pennsylvania Hailroad. Following the swinder's instructions they got off at Trenton and proceeded to Lambortsville, putting up at the Union Hotel.

Therethey meta man who told them that in order to get the goods they would have to go to his office at 512 First street, Hoboken. They came on to this city and stopped at the International Hotel on Wednesday night. Yesterday morning they went to Jersey City. Greer waited at the Pennsylvania Raircoad Depot while Hilliman went to find Leston's agent. At the address given Hilliman found a saloon. The man be had med at Lambertsville was waiting for him. Hilliman was taken to a room in the second story of a building near by. Several well-dressed men were there, one of whom introduced himself as George Foster, Leston's agent. They went right to business, and the goods were produced. Hillman examined the bills carefully, and they seemed to be genuine. He agreed to take \$5,000 worth, for which he was to pay \$469.

Hillman expected some trickery, and was prepared for it. He held a 38-calibre revolver in one hand as he passed his \$400 over with the other, keeping his eye fixed all the time on the packages of crisp bank notes that he was to receive in exchange. He expected the green goods men to spirit the packages, which he was strifled were genuine money, naw, and to substitute the bogus article. He was agreeably surprised when nothing of the kind was attempted, and allowed the men, still watching them do elleloth bag, though be would have preferred stuffing them in his own capacious pockets. Then he left the place. He met Green at the railway station, and on the way across on the ferryboat they examined the contents of the bag. Then it was that Hillman found he had been hoaved after all. The rackages were nothing but the usual green paper, with a good bank note on the top and bottom.

When the police searche

green paper, with a good cank note of the top and bottom.

When the police searched the prisoners they found 57 on Greer and \$75 in Hillman's pock-ets. Both carried revolvers. The men were taken to the Tombs Police Court in the after-noon, where they were charged with carrying concealed weapons. Justice White held them each in \$100 bail for trial. Their cases will probably come up in the Special Sessions to-day.

MRS. SKINNER'S NARROW ESCAPE.

Mmc. Romero Gives Her Polson for Phenac etin Through a Drug Clerk's Mistake, NIAGARA FALLS, Feb. 10.-The guests at the

Prospect House last night were startled by the rush of a woman through the corridors shricking: "I have polsoned her; send for dectors

quick. Help me! oh, help me! I have poisoned her."

The lady who was so agitated was Mme. Romero, the wife of the Mexican Minister at Washingto, who a gived yesterday afternoon with Mrs. I. V. Skint of New York, wife or the general Fastern passenger agent of the Canadian Pacific, and took a suite of rooms at the Prospect House. Attendants went immediately to the rooms and found Mrs. Skinner still conscious, but beginning to succumb to the effects of a dose of sugar of lead. Mrs. Isane, wife of the hotel proprietor, hastily administered whites of eggs and milk as an anministered whites of eggs and milk as an antidote, and messengers were despatched for medical aid, which arrived soon afterward. After several hours work by the physicians Mrs. Skinner was prenounced out of danger. The intense excitement and strain on Mme. Romero produced nervous prostration, and it was four-of-that sho would collapse.

The particulars of what came near being a tragedy are those: Mrs. Skinner and Mme. Romero prived com Montreal yesterday afterneon, after enjoying the wintercarnival in that

neon, after enjoying the winter armival in that city. They went out to view the ice bridge and ice mountain, and on their return retired to their room. Mrs. Skinner was attacked by a severe headache and sent a messenger to a drug store for some phenaestin and sugar of lead. The drug clerk made a mistake and put the sugar of lead in the phenaestin envelope, and Mms. Romero, Innocently enough, administered the surar of lead to Mrs. Skinner, who remarked on the difference in tasto. In a tow moments the mistake was discovered, and fortunately in time to save Mrs. Skinner's life. The two ladies were able to leave to-night for New York.

THE WHEELER JURY STILL OUT. Unable to Determine, After Five Hours, the

Degree of His Gullt. When the trial of David Wheeler, alias Blanchett, for the murder of Detective Sergeant John Carey was resumed vesterday in the General Sessions, Lefore Recorder Smyth, Wheeler took the witness stand in his own behalf. He testified that he had no ill feeling toward Carey, and that he never saw him till the evening of the shooting. On that evening he went into Boylan's saloon to borrow \$2 upon a revolver. He offered the revolver to the bartender as security for a loan. but it was declined. Then he left the saloon. Just as he reached the door a man whom he didn't know grabbed him by the coat coliar didn't know grabbed him by the coat coliar and rained blows with his fist upon his head. He, believing his life in danger, drew his revolver and fired at his assailant's legs. He had no intention of killing his assailant, and did not know that it was Detective Carey. After the sheating he was kicked and clubbed into insensibility by several policemen.

In cross-examination by Assistant District Attornev Wellman, who asked the witness about his past career, Wheeler lost his self-control, and, throwing up his hands, exclaimed; "My teople don't know that I was ever the associate of thieves, and I swear to God that I never stole a penny in my life, although I have been in mil several times."

In rebuttal Michael Goode testified that he lent a pistol to Wheeler to pawn on the night of the shooting, but when shown the ristol with which Carey had been shot he said that it was not the one he had loaned Wheeler. Then the summing up was begun, and at 6:30 o'clock that hey had reached no agreement, and liceorder Smyth ordered them locked up for the night.

They stood, it is said, four in favor of conviction for murder in the second degree, and eight for manslaughter in the first degree, leaving out of consideration altogether the clarge of murder in the first degree. and rained blows with his fist upon his head.

The President Didn't Shoot a Duck. BALTIMORE, Feb. 16.-President Harrison spent the day at the Bengies ducking shore Not a duck approached the blind in which he and Gen. Sewell spent most of the day. A fack was feeding on the opposite side of Gunpowder River.

The President believes the ducks will come to liengies, perhaps to norrow. He will remain at the shore until Saturday afternoon.

Mississippi Ice Playing Havoc.

Sr. Louis, Feb. 16.-The ice is playing havon in the Mississippi as it takes its break-up for 163. Yesterday it sunk the Idlewild, and today it sent the Crystal City to the bottom of the Father of Waters. Then it attacked the City of Vicksburg, and that good vessel is in a perilous condition if, in fact, it is not aiready beheath the surface or floating in wreckage.

Hawall Under Our Flag. But not more to be desired than the possession of Old Dominion Cigarettes. Latest and best.

Hirans Tabules move the bowels, Ripans Tabules

Photograph in each package. - Ade.

HAYES'S DAY OF BAD LUCK

ONE OF HIS WITNESSES, LAWYER NOAH, ARRESTED FOR FORGERY. His Scalor Counsel Threatened with Con-tempt Proceedings—His Brother Disap-pears—His Wife's Testimony May be Stricken Out Since She Cannot Complete It.

Yesterday was an eventful day in the trial of Col. William B. Hayes, in the General Sessions, before Judge Martine, for perjury. Assistant District Attorney Weeks charged on the defence, drove Joseph J. Hayes, the brother of the defendant, to disappear: caused the commitment of Lawyer Lionel J. Noah, a witness for the defence, upon a charge of violating his duty as a Notary l'ublie; put in peril Esther E. Stout, another important witness for the defence, and made George M. Curtis, the senior counsel for the defendant, liable to

punishment for contempt. The proceedings opened placidly. Lawyer Curtis handed up a physician's certificate that Mrs. Hayes's reason, if not her life, would be imperilled by any further examination. Mr. Weeks recalled Lawyer Noah for cross-examination. Lawyer Noah, who has desk room in Hayes's office at 19 Broadway, had testified in the direct examination that on Dec. 13 last Hayes presented to him a paper purporting to be acknowledged by Mrs. Amelia E. Hayes, being a release of her dower right in lots at Scarsdale, and asked Noah to witness Mrs. Hayes's acknowledgment of her signature. Hayes's acknowledgment of her signature. Noah witnessed it as a hotary public and Commissioner of Deeds.

"Was Mrs. Hayes present" asked Mr. Weeks, "when you certified that she was present, in person, in your office, and ackowledged the execution of that paper?

"No, sir," replied Noah, "but she had authorized me to execute any such papers. She told me that, if any papers were brought to my office, signed by her, I should execute them, and it would be all right."

Judge Martine turned in his revolving chair so that he faced the witness, and he said:
"In view of the testimony of this witness. I have but one duty to perform. I direct the officers of this court to take the witness into custody."

custody."
"I object to your Honor's making this public announcement," said Mr. Curtis,
"Take him into custody," said Judge Mar-

"Take him into custody," said Judge Martine.
"I most strongly object to your Honor's making this announcement at this time," repeated Mr. Curtis, "because of its possible effect upon the jury; and I carnestly and seriously protest against such extraordinary efforts being made to obtain a conviction. I solemnly declare from my place at the bar that I do not believe that such a course in the trial of a criminal has been adopted in a long time."
"I think the remarks of counsel are very improper," interposed Judge Martine severely.

"The prosecuting attorney respectfully sub-mits," said Mr. Weeks, "that the remarks just made by counsel should be made the subject of official action by the Court at the end of this

"I think the remarks of counsel are grossly

"I think the remarks of counsel are grossly improper," said Judge Martine.

"The remarks made by counsel," replied Mr. Curtis, "had been dictated by his sense of legal independence, and by the sense of duty that he has to his client, and not from any disrespect to the Court, or will any infention to cast disrespect upon the Court, but solely to protest earnestly and seriously against such action upon the part of the Court during the trial."

"I again say that I think the remarks of counsel are Improper," said Judge Martine. Proceed with the case.

Detective-sergt, Von Gerichten stepped forward to the witness stand and said:

"Mr. Noah, come with me," and Noah, startled and red-faced, followed Sorgeant von derichten from the court room to the District Attorney's office.

Gerichten from the court room to the District Attorney's office.

Next Mr. Weeks recalled Esther E. Stout, colored, who had testified in her direct examination, that in the fall of 1887 Mary Hussey, a winness for the prosecution, was not employed in Mrs. Hayes's house. Mary had testified that she was employed there at that time, and heard Miss Ecating ask Hayes to pay her \$2,000 note, which Hayes swears he never eavener. S2,000 note, which Haves swears he never gave ner.

In her direct examination Mrs. Stout had testified that she was the wife of Joseph E. Stout, coacoman, and that she had not seen him for a year and had not heard from him within three months. Mr. Weeks forced her to admit that white she was giving the testimony her husband was at the bir of Part I, of the General Sessions upon an indictment for assault, and that she knew it; that she was in fordon's saloon in Third avenue, between Ninety-seventh and Ninety-eighth streets, about three months ago with her husband, and that she had been twice arrested for disorderly conduct and had been on the Ishand.

When Mrs. Stout had retired from the stand, completely crestallen, Mr. Weeks asked that she be required to remain la the court room. Then he said, triumphantly:

"Now is Joseph J. Haves here?"

There was stience. Then Judge Martine asked if counsel for the delence could give the court any information as to the whereabouts

court any information as to the whereabouts of Joseph J. Hayes. On Wednesday afternoon Judge Martine had instructed Hayes to be the whereatenuts present at the opening of court yesterday morning for further cross-examination. Mr. Curtis said that he had no information as to

Curtis said that he had no information as to Hayes's whereabouts.

Judge Martine then issued an attachment for Joseph's testimony he stricken from the record. Judge Martine reserved his decision. As to Mrs. Hayes, Mr. Weels was willing to take her testimony as givel, on the former trial. Mr. Curtis objected. Judge Martine said that, in view of the physician's certificate, he was rejuctant to make an order for Mrs. Hayes's examination at her house, but that if the defence would assume the responsibility, he would do so. Mr. Curtis said that the defence would assume the responsibility. the defence would assume the responsibility.

The would do so. Mr. Curfis said that the defence would assume the responsibility.

The trial was then adjourned for the day, and all hands went up to 13d West 127th street. Dr. Daniells received Judgo Martine and Mr. Weeks in the drawing room. He said that Mrs. Hayes was physically and mentally incapable of continuing for testimony. Judge Martine said that he saw no reason to remain longer in the house, but that his own home was near, and that he would be willing to roturn to the house if there was any favorable change in Mrs. Hayes's condition. At 6:30 he was informed that Mrs. Hayes was utterly unable to testify.

At the resumption of Hayes's trial to-day it is believed that Mr. Woeks will move that Mrs. Hayes's testimony be stricken from the record.

Hayor's testimeny de stricken from the record.

Lawyer Noah was taken from the court room to the District Attorney's office. Lawyer Ambrose H. Purdy, of counsel for Hayes, met him there and comferted him. Lawyer Purdy hurried ever to the Supreme Court Chambers, and obtained from Judge Andrews a writ of habeas corpus and a writ of certiforari, returnable this morning. Meanwhile Judge Martino signed a commitment for Noah, charging him with forgery in the first degree, and Noah was taken to the Police Central Office.

KILLED FACH OTHER IN A DUEL.

The Wife of One of the Partles Stood By When the Shooting Was Going Oo.

HUNTINGTON, W. Va., Feb. 10.-Shirley Quilling and James Lwing settled a recent quarrel to-day by fighting it out with pistols. They met near the house of Ewing's father, who is rich, and who lives about four miles from Catthen, and who fives about four infestion Cat-lettsburg, by.

It was a duel to the death. Both men fired, and Ewing fell dead, shot through the heart. Quilling was morrally wounded and has since died. Quilling was married, and his wife was with him at the time of the shooting. Ewing was single. It is said that he was generally well thought of, but was wild. The quarrel occurred about two weeks ago, when Ewing struck Quilling with a club.

They Want Civil Service Rules on the Bridge The Civil Service Reform Association of Brooklyn held its annual meeting last nigh and after the election of new officers there were several congratulatory addresses over the progress of the reform movement in that town. Special praise was bestowed on Secretary Tracy for his extension of civil service rules in the management of the navy yards, and it was suggested that efforts should be made at once to place the bridge under civil service rules.

Uncle Dick Thompson Very Ill. TERRE HAUTE, Feb. 16.-R. W. Thompson's andition, while not yet alarming, is gradually

growing worse, and he sits propped in an invalid chair in his library. His family do not consider it wise to allow him to be interviewed regarding the evidence being adduced before the Panama Canal committee in his enfeetled condition. The House committee will have to come to Terro Haute to secure his evidence.

New York the Consolidation Name. It is the only one for greater New York. Old Dominion is the name for the greatest cigaretta Photograph in each package - Ade.

PROPOSED SALE OF BONDS.

The President Reconsiders His Decisio Against It-A New Silver Bill.

WASHINGTON, Feb. 16,-It is learned to-night on high authority that President Harrison has reconsidered his determination not to allow the sale of bends to make good the gold deficiency. Before leaving the city yesterday the President authorized Secretary Foster to offer bonds for sale whenever, in his judgment, such action is absolutely necessary to main-tain the Government's gold reserve.

There was only eight millions of gold left in the Treasury at the close of to-day's operations, but the President and Secretary Foster are hopeful that an emergency necessitating the sale of bonds will not arise, at least that it can be avoided until the 4th of March.

Ex-Senator Carlisle has not given up all hope of securing some financial legislation during the present session in the direction of a repeal of the Sherman silver act. He has had several conferences with Representative Livingston and other free silver men of the South and West, and the following is a rough draft of a substitute to be proposed for the Andrew-Cate bill:

An act to provide for the coinage of the silver builden new in the Treasury.

Be it enected by the Senate and House of Representatives of the Inited States of America, in Congress seembled. That he Secretario is the Secretario of the Secre hope of securing some financial legislation

An act to provide for the coinage of the silver builton new in the Treasury.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, that the Secretary of the Treasury is here by directed to proceed to coin into standard eliver dulation of the Congress of the Treasury is here by directed to proceed to coin into standard eliver dulation. 84,000,000 a menth, all of the eliver builton new in the Treasury and belonging to the United States, which eliver dulars and the silver dulars heretofore coined under the provisions of the act of July, 1849, had be a legal tender at their nominal value for all debts and due, public and private, except where otherwise expressly specified in the contract. So much of the said silver builton as is in excess of the amount required to be coined in addition to the standard eliver dollars a ready coined under the provisions of the act approved July 14, 1884, in order to redeem all of the outstanding Treasury and elsewhere the covered into the Treasury as a miscellation shall be so coined, and shall be reversed into the Treasury as a miscellation shall be so coined an shall be need in the United States of the said purchase of eliver builton shall be as coined and shall purchase of eliver builton unitable of add silver builton nurchased under shall act, and therefore the Secretary of the Treasury is hereby directed to suspend all purchase of silver builton shall act shall have been coined under the provisions of this act, and thereafter the Secretary of the Treasury shall purchase after the market price and

The above was shown to Representative Bland to-night, and be announced his intention to oppose it with the same vigor that he antagonized the original bill to repeal the Sherman law.

UNANIMOUSLY REJECTED. The Presbytery of Genesee Refuses to Orden a Christian Scientist.

ROCHESTER, Feb. 10.-The application of Arthur B. Vosburg of North Bergen, Genesee county, for ordination as a Presbyterian minister was rejected by unanimous vote of the Presbytery of Genesce at Batavia yesterday. The vote was taken after Mr. Vosburg had been before the Presbytery the greater part of the day answering questions in the-ology and philosophy propounded to him by ology and philosophy propounded to him by the Moderator. He was asked if he would continue to promulgate the Christian science teachings in case the Presbytery ordefined him, and he replied that he probably would not from the rulpit, yet he did not care to make any binding promises. He said that he felt it his duty to teach the Christian science doctrine, and that if he found that such teaching caused trouble in any church over which he might be installed as pastor he would give up the church and teach privately. In case of sickness he said that he would recommend that a Christian scientist be called rather than a physician. At the close of the examination the brethren, after discussing the matter for half an hour, decided to reject his application, but he was received under the care of the Presbytery. Mr. Vosburg is a young man, and the Presbytery thinks that in time he will change his views. change his views.

SEIZURE OF THE DORE COLLECTION. A Suit in the United States Court to Decide

United States Metrict Attorney Mitchell began an action in the United States District Court yesterday against 10,769 engravings. constituting the Dord exhibit at the Carnegie

It appears that the engravings were selzed by Collector Hendricks on Feb. 9, and have since teen in the castody of one of his men. They were imported from fonden by Henry Gowar on the steamship Massachusetts, arriv-

Gowan on the steamship Massachusetts, arriving here on Sept. 7.

A question as to the value of the engravings has arisen, and further, whether or not the engravings were brought here for exhibiting purposes only or for sale. The Government will release the jetures on a bond for \$20,000 while the matter is being adjudicated.

The burnt Boré painting is not to be restored, but is to be left on exhibition in its damaged condition. The managers have settled with the insurance companies for less than the full insurance, deciding to retain the painting themselves.

Tenting in Chicago Next Summer,

CHICAGO, Feb. 16.-The South Shore Tenting ompany was incorporated to-day. The idea is to supply tents, cooking apparatus, and the necessities for living for visitors during the necessities for living for visitors during the summer. The incorporators control a tract of and lying four blocks south of the World's Fair ground and three blocks west of the lake. Every convenience is handy, and it is the object of the company to furnish conveniences for many of the visitors who are unable to heard at high-priced hotels. All the necessary sanitary arrangements have been perfected, and the canvas houses will be divided into blocks of five and ten acres, surrounded by a high board fence, and each detachment will have watchmen. Rents will be low and families can do their own cooking.

A Report that Edwin Booth Will Act Again, It was reported last night that Edwin Booth proposed to return to the stage in the fall for proposed to return to the stage in the lan for a farewell tour. It was reported that he would act for ten weeks and then retire.

Mr. Booth was at the Players' Club last night, but it was impossible to get either a verifica-tion or a denial of the report there. The story was efreulated on the authority of Manager Chase, who was formerly associated with Mr. Booth and Mr. Parrett.

Will There Be a Lager Trust !

There was a report affeat last night that a deal was about to be consummated by which thirty or more of the largest lager beer broweries of the metropolitan district were to unite their interests under some form with a capital stock of \$8.40.000,000. The story could not be confirmed last night.

The Weather.

The storm which was on the gulf coast on Wednesday has moved into the lower Mississippi Valley. Heavy rain fell yesterday in the gulf States and the Tennesses and Arkansas valleys. Elsewhers the weather was fair. The storm has little or no energy, and is moving very slowly, so that rain is likely to continue over the Southern States to-day. There is a second depression moving down over Montana that is likely to create disagreeable conditions over the Northwest States to-day, It is likely to be slightly to der in the middle Atlantic States to-day, with fair weather, and warmer to-mor

it was fair in this city yesterday. Highest official temperature, 46°; lowest, 86°; average humidity, 72 per cent.; wind northwest, average velocity, 12 miles

The thermometer at Perry's pharmacy in The Sus The thermometer at Perry's pharmacy in Tax Sux building recorded the temperature yesterday as follows: 1892, 1893, 1894, 1895,

Average on Feb. 16, 1892 WANDINGTON FORFIAST FOR FRIDAT.
For Maine, New Hampshire, and Vermont, fair and coller: northeasterly winds; probably snow Friday night or faturday. For Massachusetts, Phode Island, and Connecticut,

fair, followed by snow Friday might or Saterday; much colder; northeasterly winds, with a moderate cold for eastern New York, eastern Pennsylvania, New Jersey, and Delaware, much colors: a witeseverly wonds; fair friday mamins; probatly come fulley of reason or night. For the Dustriet of Columbia, Maryland, and Virginia, threatening weather and rain or anow, colder, north-

easterly winds.

For western New York, fair, followed by snow during the alternoon or night; winds shifting to northeasterly; colder Friday morning, warmer by Saturday morning. Rain or snow is indicated for the central valleys, in gions and middle Atlantic States, and colder northeast erly winds on the Atlantic coast north of Manual Colder winds on the Atlantic coast north of Hatteras.

THE TEXT OF THE TREATY.

PRICE TWO CENTS.

AND THE PRESIDENT'S MESSAGE REC-

OMMENDING ITS RATIFICATION. All the Documents Regarding Hawaling Amexation Made Public, Notwithstands

ing the Scante has Not Removed the Injunction of Secrecy-Several Democratic Senators and One Republican Senator Opposed to Annexation-The Friends of the Treaty Claim More than a Two-thirds Vote in Favor of Ratification-The Treaty Provides for an Annuity of \$20,000 to the Deposed Queen and a Gift of \$100,000 to the Princess-The Chinese Evelunion And to be Enforced on the Islands-No Bounty to Hawailan Sugar Producers-The President Strongly Urges Prompt Action. WASHINGTON, Feb. 16.-The Senate decided

yesterday not to make public the text of the Hawaiian treaty and accompanying message from the President, preferring to maintain a show of secreey for the present. Their predence was without avail, however, for before the Senate met to-day the documents were sent broadcast over the wires of the Press Association. There is talk of another investigation to discover the leak, but it will probably, end in smoke, like its predecessors. There is general feeling at the Capitol that the treaty with Hawaii will not be ratified without a determined opposition on the part of several Fenators. Wednesday is the regular day for the Senate Committee, on Foreign Relations to meet, and under ordinary circumstances they would not meet until next week. It was expected, howe ever, that Senator Sherman, who is Chairman of that committee, would call a special meeting to-day to consider the treaty and the correspondence which was laid before the Senate yesterday. For reasons best known to the Sepator there was no call for an extra meeting, and the treaty is still pending before that committee. It is not likely that an attempt will be made to take the treaty from the committee and ratify it before it has passed through the usual routine of consideration and report. Senator Gray of Delaware, who is a member

of the Foreign Relations Committee, is said to be opposed to annexation in accordance with the provisions of the treaty, and he will probably exert himself to delay, if not to defeat, the measure. It is said that he regards the question of annexing Hawall as too serious to be dealt with in a summary manner, and, therefore, he holds that the subject should be thoroughly examined by the committee before It is reported back to the Senate. He will not be alone in opposing the immediate ratification of the treaty, for Senator Vest. in discussing the Sundry Civil bill to-day, referred to the Hawailan subject in terms that left no doubt in the minds of his hearers as to his uncompromising objection to annexation. Several other Democratic Senators are equally op-posed to annexing Hawaii under the conditions set forth in the treaty and recommended by the President in his message. A Senator, who is a member of the Foreign Affairs Committee, said that while he believed it to be an advantage to the United States Government to possess Hawaii, he did not believe the civil government proposed to be established there would meet the requirements of the situation. He suggested that, in the event of the United States taking possession of these islands, a military form of government should be established. The consistion is a poculiar mine ture, he says, and there is no assur-ance that they would peaceably submit to civil domination in their present conditions He proposes that the Government send an army officer, not below the rank of a Briga-dier-General, to Hawali, accompanied by a regiment or two of regular troops, with authority to set up a military form of government and maintain it for a period sufficient to restore absolute peace and good order on the islands. In support of this proposition, the Senator declared that in the period of reconstruction in the South the people of the Southern States preferred to have an intelligent and independent army officer presiding

over them to a carpet-bag politician. Faid he: 'I would send one of our Brigadier-General and one or two regiments to Havali and let them remain there until all traces of the recent revolt had died away, and the people there are prepared to submit to a civil form of government. This I consider the best solution of the problem, and I am sustained in that view by several of my colleagues."

Senator Pettigrow of South Dakota is one of the few Republican Senators who openly declares his intention to oppose the annexation of Hawaii. He not only announces his opposition to the pending treaty, but he proposes to insist that the doors of the Senate shall be thrown open to the public when the discussion of the treaty takes place. He says it is a great public question, and the strong light of publicity should be turned on with full force, so that the press of the country may tell the people all that is said for and against annexation. He contends that annexation under the circumstances involved is a serious matter, and the people of the country have a right to know what their representatives have to say on the subject. Other Senators are said to favor a discussion of the subject in open session, but it is probable that the advocates of the "Star Chamber" system are in the majority.

Much surprise was expressed to-day when it was learned that Senator Sherman is not as pronounced in favor of annexation as he was supposed to be. In discussing the treaty and the general subject of the annexation of Hawaii, he is said to have expressed grave doubts as to the wisdom of annexing the islands under the present conditions. He will probably vote for the ratification of the treaty. but he will do so with some misgivings. Senator Vest, in addition to making a speech showing his objection to the pending treaty. has informed those who are prepared to follow his leadership, that he will resort to every parliamentary device to prevent its ratification during the present session. Senator Pettigrew has promised to cocoperate with

him in delaying action on the subject. In spite of the avowed hostility of these Senators, it said by the friends of annexation that more than two-thirds of the Senators will vote to ratify the treaty whenever the final roll is called. It is understood that the members of the Foreign Affairs Committee have sounded the teamer of the Senate and find that this conclusion is warranted. The limit of the opposition is put at twenty votes. Other Senators believe that these opposed to the treaty cannot muster even that number. It is said by Republicans that the opposition is due not be the treaty itself so much as to a desire on the part of some Democrats to postpone action until the new Administration shall have been inaugurated. The most significant utterance in regard to the prospect of ratification was that made this merning by a Democratic member of the Committee on foreign Relations, who is working to prevent annexation. Before the treaty was received from the President yesterday this Sounter said that it would not be ratified by the Senate. To-day he said that there would be opposition, but he would not go so far as to express the opinion that defeat was likely. Lealing Senators on both sides of the chamber, while declining to be quoted assert that the treaty will be ratified, admitting, however, that the amount of the pension allowed the deposed Queen and the sum to be given the heir apparent may be reduced.

Mr. Charles M. Cook, one of the leading business men of Horolulu, arrived in the city issuing the powers of the Commissioners. It is understood that among other things these instructions empower the Commissioners to forego any claims for sugar bounty, which would the Foreign Affairs Committee have sounded the teaper of the Senate and find that this conclusion is warranted. The limit of the op-